

AN ACT

relating to providing access to local public health entities and certain health service regional offices under Medicaid.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 32.003, Human Resources Code, is amended by adding Subdivisions (2), (3), (3-a), and (5) to read as follows:

(2) "Local health department" means a local health department established under Subchapter D, Chapter 121, Health and Safety Code.

(3) "Local health unit" means a local health unit described by Section 121.004, Health and Safety Code.

(3-a) "Local public health entity" means:

(A) a local health unit;

(B) a local health department; and

(C) a public health district.

(5) "Public health district" means a public health district established under Subchapter E, Chapter 121, Health and Safety Code.

SECTION 2. Section 32.024, Human Resources Code, is amended by adding Subsection (11) to read as follows:

(11) The executive commissioner shall establish a separate provider type for a local public health entity for purposes of enrollment as a provider for and reimbursement under the medical assistance program.

1 SECTION 3. Section 32.101(2), Human Resources Code, is
2 amended to read as follows:

3 (2) "Health care provider" means a person, other than
4 a physician, who:

5 (A) is licensed or otherwise authorized to
6 provide a health care service in this state, including:

7 (i) a pharmacist, dentist, optometrist,
8 mental health counselor, social worker, advanced practice nurse,
9 physician assistant, or durable medical equipment supplier; ~~or~~

10 (ii) a pharmacy, hospital, or other
11 institution or organization; or

12 (iii) a local public health entity;

13 (B) is wholly owned or controlled by:

14 (i) a health care provider or a group of
15 health care providers described by Paragraph (A); or

16 (ii) one or more hospitals and physicians,
17 including a physician-hospital organization;

18 (C) is a professional association of physicians
19 organized under the Texas Professional Association Law, as
20 described by Section 1.008, Business Organizations Code;

21 (D) is an approved nonprofit health corporation
22 certified under Chapter 162, Occupations Code;

23 (E) is a medical and dental unit, as defined by
24 Section 61.003, Education Code, a medical school, as defined by
25 Section 61.501, Education Code, or a health science center
26 described by Subchapter K, Chapter 74, Education Code, that employs
27 or contracts with physicians to teach or provide medical services,

1 or employs physicians and contracts with physicians in a practice
2 plan; or

3 (F) is another person wholly owned by physicians.

4 SECTION 4. The Health and Human Services Commission and the
5 Department of State Health Services are required to implement a
6 provision of this Act only if the legislature appropriates money
7 specifically for that purpose. If the legislature does not
8 appropriate money specifically for that purpose, the commission and
9 the department may, but are not required to, implement a provision
10 of this Act using other appropriations that are available for that
11 purpose.

12 SECTION 5. If before implementing any provision of this Act
13 a state agency determines that a waiver or authorization from a
14 federal agency is necessary for implementation of that provision,
15 the agency affected by the provision shall request the waiver or
16 authorization and may delay implementing that provision until the
17 waiver or authorization is granted.

18 SECTION 6. This Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 73 passed the Senate on April 12, 2021, by the following vote: Yeas 28, Nays 3; and that the Senate concurred in House amendments on May 27, 2021, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 73 passed the House, with amendments, on May 24, 2021, by the following vote: Yeas 109, Nays 36, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor